

## HOUSE AMENDMENTS TO HOUSE BILL 3268

By COMMITTEE ON HEALTH CARE

April 24

1 On page 1 of the printed bill, line 2, after the second semicolon delete the rest of the line and  
2 lines 3 and 4 and insert “and amending sections 7 and 16, chapter 290, Oregon Laws 1987.”.

3 Delete lines 6 through 31 and delete pages 2 through 7 and insert:

4 **“SECTION 1. (1) As used in this section, ‘the plan of assistance’ means the plan of as-**  
5 **istance established by the Public Utility Commission under section 6, chapter 290, Oregon**  
6 **Laws 1987.**

7 **“(2) The Oregon Telephone Assistance Program Advisory Committee is established as an**  
8 **advisory committee to the commission for the purposes described in subsection (4) of this**  
9 **section.**

10 **“(3) The committee consists of the following nine members appointed by the Governor:**

11 **“(a) A person who represents the Public Utility Commission who is knowledgeable about**  
12 **telecommunications;**

13 **“(b) A person who represents the Citizens’ Utility Board;**

14 **“(c) A person who represents the Oregon Health Authority;**

15 **“(d) A person who represents telecommunications carriers, including cellular phone car-**  
16 **riers;**

17 **“(e) A person who represents coordinated care organizations, as defined in ORS 414.025;**

18 **“(f) A person who represents individuals who are homeless;**

19 **“(g) A person who represents individuals who are deaf, deaf-blind or hard of hearing;**

20 **“(h) A person who is a low income customer who receives assistance under section 6,**  
21 **chapter 290, Oregon Laws 1987; and**

22 **“(i) A resident of this state with a background in marketing and outreach.**

23 **“(4) The committee shall:**

24 **“(a) Establish goals for participation by low income customers in the plan of assistance;**

25 **“(b) Advise the commission on the eligibility process for participating in the plan of as-**  
26 **sistance;**

27 **“(c) Advise the commission on the regulation of the plan of assistance, including:**

28 **“(A) Advice on streamlining eligibility processes;**

29 **“(B) Advice on improving handset activations;**

30 **“(C) Advice on use of Social Security numbers and other identifying documents; and**

31 **“(D) Advice on use of a comprehensive human services outreach approach to encourage**  
32 **participation in the plan of assistance;**

33 **“(d) Review the participation rates in programs offered by other states that are similar**  
34 **to the plan of assistance, particularly programs that have a higher participation rate than**  
35 **the plan of assistance;**

1       “(e) Develop a strategic plan to increase the participation rate in the plan of assistance;  
2       “(f) Annually review the participation rate in the plan of assistance and any annual in-  
3 crease in the participation rate in the plan of assistance; and  
4       “(g) Make recommendations as to the use of available funds for the following activities:  
5       “(A) Marketing and outreach;  
6       “(B) Developing partnerships with low income constituency groups; and  
7       “(C) Coordinating with state agencies that serve the low income customers eligible to  
8 participate in the plan of assistance.  
9       “(5) A majority of the members of the committee constitutes a quorum for the trans-  
10 action of business.  
11       “(6) Official action by the committee requires the approval of a majority of the members  
12 of the committee.  
13       “(7) The committee shall elect one of its members to serve as chairperson.  
14       “(8) The term of office of each member of the committee is four years, but a member  
15 serves at the pleasure of the Governor. Before the expiration of the term of a member, the  
16 Governor shall appoint a successor whose term begins on January 1 of the following year.  
17 A member is eligible for reappointment. If there is a vacancy for any cause, the Governor  
18 shall make an appointment to become immediately effective for the unexpired term.  
19       “(9) The committee shall meet at times and places specified by the call of the chairperson  
20 or of a majority of the members of the committee.  
21       “(10) The committee shall adopt rules necessary for the operation of the committee.  
22       “(11) Members of the committee are not entitled to compensation, but may be reimbursed  
23 for actual and necessary travel and other expenses incurred by them in the performance of  
24 their official duties in the manner and amounts provided for in ORS 292.495. Claims for ex-  
25 penses shall be paid out of funds appropriated to the commission for purposes of the com-  
26 mittee.  
27       “(12) The commission shall provide staff support and perform other services for the  
28 committee as is necessary for the effective operation of the committee.  
29       “SECTION 2. (1) From moneys collected as a surcharge under section 7, chapter 290,  
30 Oregon Laws 1987, the Public Utility Commission shall expend moneys on marketing and  
31 outreach activities as is necessary to increase the participation rate in the plan of assistance  
32 established by the commission under section 6, chapter 290, Oregon Laws 1987.  
33       “(2) The Oregon Telephone Assistance Program Advisory Committee established under  
34 section 1 of this 2017 Act will annually review use of moneys collected as a surcharge under  
35 section 7, chapter 290, Oregon Laws 1987, and make recommendations to the commission on  
36 the amount of moneys to expend on marketing and outreach activities.  
37       “(3) Notwithstanding subsections (1) and (2) of this section, moneys expended on mar-  
38 keting and outreach activities under this section may not exceed 15 percent of moneys col-  
39 lected as a surcharge under section 7, chapter 290, Oregon Laws 1987.  
40       “(4) A coordinated care organization, as defined in ORS 414.025, may not directly receive  
41 moneys expended under this section.  
42       “SECTION 3. Section 7, chapter 290, Oregon Laws 1987, as amended by section 2, chapter 622,  
43 Oregon Laws 1991, section 8, chapter 872, Oregon Laws 1991, section 1, chapter 231, Oregon Laws  
44 1993, section 387, chapter 79, Oregon Laws 1995, section 1, chapter 451, Oregon Laws 1995, section  
45 2, chapter 408, Oregon Laws 2001, and section 1, chapter 78, Oregon Laws 2011, is amended to read:

1       “**Sec. 7.** (1) In order to fund the [*programs provided in sections 2 to 6 and*] **program described**  
2 **in sections 9 to 14**, chapter 290, Oregon Laws 1987, the Public Utility Commission shall develop and  
3 implement a system for assessing a surcharge in an amount not to exceed 35 cents per month  
4 against each paying retail subscriber who has telecommunications service with access to the tele-  
5 communications relay service. The surcharge shall be applied on a telecommunications circuit des-  
6 ignated for a particular subscriber. One subscriber line shall be counted for each circuit that is  
7 capable of generating usage on the line side of the switched network regardless of the quantity of  
8 customer premises equipment connected to each circuit. For providers of central office based ser-  
9 vices, the surcharge shall be applied to each line that has unrestricted connection to the telecom-  
10 munications relay service. These central office based service lines that have restricted access to the  
11 telecommunications relay service shall be charged based on software design. For cellular, wireless  
12 or other radio common carriers, the surcharge shall be applied on a per instrument basis, but applies  
13 only to subscribers whose place of primary use, as defined and determined under 4 U.S.C. 116 to 126,  
14 is within this state.

15       “(2) The surcharge imposed by subsection (1) of this section does not apply to:

16       “(a) Services upon which the state is prohibited from imposing the surcharge by the Constitution  
17 or laws of the United States or the Constitution or laws of the State of Oregon.

18       “(b) Interconnection between telecommunications utilities, telecommunications cooperatives,  
19 competitive telecommunications services providers certified pursuant to ORS 759.020, radio common  
20 carriers and interexchange carriers.

21       “(3) The commission annually shall review the surcharge and the balance in the Residential  
22 Service Protection Fund and may make adjustments to the amount of the surcharge to ensure that  
23 the fund has adequate resources but that the fund balance does not exceed six months of projected  
24 expenses.

25       “(4) Moneys collected pursuant to the surcharge shall not be considered in any proceeding to  
26 establish rates for telecommunication service.

27       “(5) The commission shall direct telecommunications public utilities to identify separately in  
28 bills to customers for service the surcharge imposed pursuant to this section.

29       “(6) Notwithstanding ORS 314.835 and 314.840, the Department of Revenue may disclose infor-  
30 mation received under ORS 403.200 to 403.230 to the Public Utility Commission to carry out the  
31 provisions of **sections 9 to 14**, chapter 290, Oregon Laws 1987.

32       “(7) The Public Utility Commission may disclose information obtained pursuant to **sections 9**  
33 **to 14**, chapter 290, Oregon Laws 1987, to the Department of Revenue to administer the tax imposed  
34 under ORS 403.200 to 403.230.

35       “**SECTION 4.** Section 16, chapter 290, Oregon Laws 1987, as amended by section 4, chapter 622,  
36 Oregon Laws 1991, section 1, chapter 481, Oregon Laws 1997, section 1, chapter 408, Oregon Laws  
37 2001, and section 1, chapter 544, Oregon Laws 2009, is amended to read:

38       “**Sec. 16.** [*Chapter 290, Oregon Laws 1987, is repealed January 1, 2020.*]

39       “(1)(a) **Sections 1, 2, 3, 4, 5 and 15, chapter 290, Oregon Laws 1987, are repealed on Jan-**  
40 **uary 1, 2023.**

41       “(b) **Section 6, chapter 290, Oregon Laws 1987, as amended by section 1, chapter 622,**  
42 **Oregon Laws 1991, section 1, chapter 29, Oregon Laws 2007, section 25, chapter 599, Oregon**  
43 **Laws 2009, section 1, chapter 77, Oregon Laws 2011, and section 1, chapter 29, Oregon Laws**  
44 **2013, is repealed on January 1, 2023.**

45       “(c) **Section 2, chapter 204, Oregon Laws 2005, as amended by section 359, chapter 70,**

1 Oregon Laws 2007, is repealed on January 1, 2023.

2 “(2) Notwithstanding subsection (1) of this section, if the participation rate in the plan  
3 of assistance established by the Public Utility Commission under section 6, chapter 290,  
4 Oregon Laws 1987, increases by at least 26 percent between January 1, 2018, and January 1,  
5 2023:

6 “(a) Sections 1, 2, 3, 4, 5 and 15, chapter 290, Oregon Laws 1987, are repealed on January  
7 1, 2030.

8 “(b) Section 6, chapter 290, Oregon Laws 1987, as amended by section 1, chapter 622,  
9 Oregon Laws 1991, section 1, chapter 29, Oregon Laws 2007, section 25, chapter 599, Oregon  
10 Laws 2009, section 1, chapter 77, Oregon Laws 2011, and section 1, chapter 29, Oregon Laws  
11 2013, is repealed on January 1, 2030.

12 “(c) Section 2, chapter 204, Oregon Laws 2005, as amended by section 359, chapter 70,  
13 Oregon Laws 2007, is repealed on January 1, 2030.

14 “SECTION 5. On or before September 30, 2022, the Public Utility Commission shall report  
15 to the interim committees of the Legislative Assembly related to health and business the  
16 following:

17 “(1) The average annual participation rate in the plan of assistance established by the  
18 commission under section 6, chapter 290, Oregon Laws 1987, for 2017, 2018, 2019, 2020, 2021  
19 and 2022;

20 “(2) The annual moneys expended on marketing and outreach activities under section 2  
21 of this 2017 Act during 2017, 2018, 2019, 2020, 2021 and 2022;

22 “(3) A description of marketing and outreach activities funded under section 2 of this  
23 2017 Act and an assessment of the quantitative or qualitative impact of those marketing and  
24 outreach activities; and

25 “(4) The amount of benefits provided through the plan of assistance established by the  
26 commission under section 6, chapter 290, Oregon Laws 1987, for 2017, 2018, 2019, 2020, 2021  
27 and 2022.

28 “SECTION 6. (1) The amendments to section 7, chapter 290, Oregon Laws 1987, by section  
29 3 of this 2017 Act become operative on January 2, 2023.

30 “(2) Notwithstanding subsection (1) of this section, if the participation rate in the plan  
31 of assistance established by the Public Utility Commission under section 6, chapter 290,  
32 Oregon Laws 1987, increases by at least 26 percent between January 1, 2018, and January 1,  
33 2023, the amendments to section 7, chapter 290, Oregon Laws 1987, by section 3 of this 2017  
34 Act become operative on January 2, 2030.”.